

CalEPA 2003-2004 Legislation

[AB 338 \(Levine\) Recycling: Crumb Rubber \(7/15/04\)](#)

This bill, sponsored by the author, would define the term "asphalt containing crumb rubber" and would require CalTrans to use asphalt containing crumb rubber in 20 percent, by ton, of the total amount of asphalt paving materials on and after Jan. 1, 2006; 30 percent on and after 2008; 40 percent on and after 2010; and 50 percent on and after 2012. Would direct CalTrans, if using crumb rubber, to require the project to use crumb rubber manufactured in the U.S., derived from waste tires taken from vehicles owned and operated in the U.S., unless CalTrans makes certain determinations.

[AB 389 \(Montanez\) Hazardous materials: brownfields \(6/15/04\)](#)

This bill, the Brownfield Bona Fide Purchaser Protection Act, sponsored by the author, would require the Cal/EPA, the DTSC, the SWRCB and the RWQCBs, to implement this act by January 5, 2006. Among other things, the bill would require the DTSC, the SWRCB, and the RWQCBs to adopt regulations to establish the conditions under which the agency or an agency entity may enter into a bona fide purchaser agreement, as defined, with a bona fide purchaser of a brownfield. The bill would further require Cal/EPA, the DTSC, the SWRCB, and the RWQCBs to expand their Web sites to allow access to information about brownfields and other cleanup sites through a single Web site portal.

[AB 1009 \(Pavley\) Mexican Trucks \(7/26/04\)](#)

This bill, sponsored by the NRDC and the Sierra Club, would require Mexican heavy-duty trucks, as permissible under federal law, to meet applicable U.S. emission standards for the engine's model year. The July 26 amendments require documentation certifying the above requirement.

[AB 1068 \(Liu\) Petroleum underground storage tanks: loans \(9/2/03\)](#)

This bill, sponsored by the former Technology, Trade and Commerce Agency, would extend the sunset date for the Repair and Replacement of Underground Storage Tanks (RUST) loan program, which was previously operated by the Technology, Trade, and Commerce Agency, from January 1, 2004 to January 1, 2011. Additionally, the bill would provide for the transition of the administration of the RUST program to the SWRCB. A related bill, AB 2955 (McCarthy), would create a new grant program to provide funding to certain small businesses that install USTs between July 1, 2004 and June 30, 2009. The grants would be used to test the UST after installation and to purchase equipment needed for long-term leak detection monitoring. AB 2955 would require the SWRCB to make grant funds available to eligible grant applicants from the Petroleum Underground Storage Tank Financing Account, which would be reestablished in the State Treasury. The bill also would make the creation of the account inoperative if and when AB 1068 of the 2003-04 Regular Session of the Legislature takes effect and creates the same fund.

[AB 1353 \(Matthews\) Treated Wood Waste: disposal \(7/12/04\)](#)

This bill, sponsored by the Western Wood Preservers Institute, would eliminate DTSC's existing variances for the disposal of treated wood waste, allow for the disposal of treated wood waste in composite-lined landfills, and direct DTSC to adopt, by January 1, 2007, regulations establishing alternative waste management standards for treated wood waste. The most recent amendments to the bill would also require DTSC to submit a compliance report to the Legislature by June 1, 2012 and direct the California Research Bureau, with the assistance of a review panel, to perform a study by June 1, 2006, on various issues concerning treated wood products and treated wood waste.

[AB 1466 \(Koretz\) Litter; Receptacles \(6/21/04\)](#)

This bill, sponsored by the author, would permit the IWMB to establish an interagency litter prevention and recycling message committee with specified State agencies and encourages State agencies to integrate the unified litter prevention and recycling message into State sponsored litter and recycling messages. It would also move existing provisions concerning the placement and management of litter receptacles into the Public Resources Code from the Government Code. The latest amendments state that agencies already implementing a unified litter prevention and recycling message are not required to replace existing or pending campaigns.

[AB 1699 \(Assembly Environmental Safety and Toxic Materials Committee\) \(6/24/04\)](#)

This bill, sponsored by the author, would enact the Mercury Recycling Enhancement Act of 2005 to prohibit any person from disposing of a fluorescent lamp at a solid waste landfill starting January 1, 2005. The bill would require every retail purchaser of a fluorescent lamp to pay an unspecified point-of-sale recycling fee for each fluorescent lamp purchased, the funds from which would be used by DTSC and the California Integrated Waste Management Board to help build fluorescent lamp recycling infrastructure. The bill was recently amended to authorize DTSC to establish, through the regulatory process, the point-of-sale fee in an amount sufficient to implement the bill.

[AB 1725 \(Matthews\) Structural Pest Control: violations \(8/4/04\)](#)

This bill, sponsored by the County Agricultural Commissioners and Sealers Association, would authorize the SPCB or a CAC to levy a fine of up to \$5,000 for each structural violation determined to be a serious violation, as defined. The bill would make other conforming changes with DPR civil penalty processes.

[AB 1878 \(Chan\) Motor Scooters \(7/2/04\)](#)

This bill, sponsored by the City of Oakland, would prohibit the operation of a motorized scooter that has an improper muffler and also prohibits modification of a scooter's exhaust system to produce excessive noise. It requires manufacturers to disclose these prohibitions. It requires the operator of a motorized scooter to hold a valid Class C driver's license or permit.

[AB 1906 \(Lowenthal\) Hazardous materials: petroleum: underground storage tanks: cleanup: fees \(2/9/04\)](#)

This bill, sponsored by the 7-11 Corporation, would increase the petroleum storage fees upon the owner of an UST for which a permit is required \$0.001 per gallon of petroleum stored, on and after January 1, 2005, and by an additional \$0.001 per gallon of petroleum stored, on and after January 1, 2006. The revenue resulting from the increase would be required to be deposited in the USTCF and would be used, paying claims to the owners/operators for cleanup of an unauthorized release of petroleum from the USTs.

[AB 2012 \(Chu\) Cosmetics: cancer and reproductive toxicity \(7/6/04\)](#)

This bill, sponsored by the National Environmental Trust and Breast Cancer Action, would ban the manufacture and sale of cosmetics and personal care products containing phthalates effective January 1, 2006. The bill would also require OEHHA to develop a form that manufacturers would use to report any cosmetics or personal care products that contain chemicals appearing on specified lists of substances that cause cancer or reproductive toxicity. Manufacturers would have to submit the forms to OEHHA by January 1, 2006. OEHHA would have the option of reporting to the Legislature in two years on the information generated by the bill's activities.

[AB 2042 \(Lowenthal\) Port Pollution and Growth \(7/12/04\)](#)

This bill, sponsored by the author, would require the SCAQMD to establish an emissions ceiling for the Port of Long Beach and the Port of Los Angeles based on the level of 2004 emissions at those ports. By January 1, 2005, the South Coast District, the ARB and the two ports are to develop a Memorandum of Agreement (MOA) to implement emission control measures for operations at the ports, which would keep pollution levels below the established baseline.

[AB 2159 \(Reyes\) Solid waste facilities: orders \(7/12/04\)](#)

This bill, sponsored by the author, would require an enforcement agency to issue a cease and desist order to a person who owns a solid waste disposal site, who is disposing of solid waste, who is operating a solid waste facility, or who is engaged in solid waste handling activities, if the enforcement agency finds that the person does not hold a full solid waste facilities permit authorizing that activity, or is not authorized to engage in that activity. The bill would delete the provision delaying the effect of an order until after the time period provided for an appeal expires. This bill would also strengthen the timelines for the appeals process.

[AB 2176 \(Montañez\) Large venue and event recycling programs \(7/12/04\)](#)

This bill, sponsored by The Venue and Special Events Council, would require the IWMB and local governments to perform various tasks to encourage waste reduction and recycling at large venues (arenas, coliseums, ball parks fairs, etc.). It would authorize a local agency to charge and collect a fee from a large venue or large event in order to recover the local agency's estimated costs in complying with the bill.

[AB 2342 \(Jackson\) Drinking water: public health goals \(4/12/04\)](#)

This bill, sponsored by the Environmental Working Group, would require OEHHA to consider several criteria specific to children's health when establishing Public Health Goals (PHGs) for drinking water, and would allow OEHHA to give special consideration to susceptible subpopulations when prioritizing PHGs for the five-year review required by state law.

[AB 2366 \(Chan\) Vehicle Registration Fee – Bay Area \(7/12/04\)](#)

This bill, sponsored by the author, would require an additional \$1 vehicle registration fee for residents within the Bay Area Air Quality Management District. Funds could only be used for motor-vehicle pollution production programs sponsored by the District. July 12 Amendments require the district to perform audits on the use of the funds, and require that the funds be used for programs that achieve actual and measurable emission reductions.

[AB 2628 \(Pavley\) Hybrid HOV Lane Access \(7/15/04\)](#)

This bill, sponsored by both the Administration (CEPA 04-06) and the State Treasurer's Office (STO) would authorize 75,000 extremely clean, fuel-efficient hybrid vehicles access to HOV lanes until 2008.

[AB 2633 \(Frommer\) Water quality: grease and grit trap waste \(7/12/04\)](#)

This bill, sponsored by the author, would enact the Interceptor Grease Transportation, Recycling, and Disposal Act of 2004, and would require all grease removed from grease traps or grease interceptors to be transported by a grease waste hauler issued a grease transporter registration by the Integrated Waste Management Board. This bill would revise the definition of "solid waste facility" to include a grease recycling and treatment unit. The bill would require an enforcement agency to issue, and the IWMB to concur on, a recycling and treatment permit to treat grease only if the enforcement agency determines, and the board concurs, that the owner or operator of the solid waste facility makes specified demonstrations. The bill would prohibit a person from recycling or treating grease removed from a grease trap or grease interceptor unless the person obtains a grease recycling and treatment permit, and complies with the requirements of the California Integrated Waste Management Act of 1989. Finally, this bill establishes civil penalties for violations of the requirements and requires that an unspecified percentage of any penalties collected shall be deposited into the Environmental Circuit Prosecutor Project.

[AB 2644 \(Oropeza\) Air Pollution: Idling School Buses \(6/29/04\)](#)

This author sponsored bill would place the Air Resources Board's (ARB) regulation restricting idling school buses into statute.

[AB 2657 \(Nunez\) Metal plating facilities \(8/9/04\)](#)

This bill, sponsored by the author, would establish within CalEPA a task force to perform a variety of actions as it pertains to the regulation and oversight of metal plating finishers. Such

tasks include establishing a loan and grant program, conducting a survey of metal plating facilities, and making recommendations for language to be used by local governments in developing buffer zone requirements for new facilities located near sensitive receptors.

[AB 2683 \(Leiber\) Smog Check 30 year Rolling Exemption Freeze \(5/20/04\)](#)

This bill, sponsored by the Bay Area Air Quality Management District (BAAQMD), would eliminate the existing rolling 30-year exemption from the state's Smog Check Program. Vehicles that are model year 1976 and newer would be retained in the smog check program. Recent amendments to the bill include specifying the intent of the legislature to permanently exclude 1975 model year and older vehicles from the biennial Smog Check Program, and providing the Department of Motor vehicles with adequate time to reprogram vehicle registration notices to comply with the requirements of the bill.

[AB 2701 \(Runner\) Environmental protection; reports \(7/12/04\)](#)

This bill, sponsored by CalEPA and the CIWMB (CEPA 04-02), is the California Environmental Protection Agency's omnibus report cleanup legislation. Specifically, this bill would repeal unnecessary or obsolete Cal/EPA reports, change the reporting frequency of select reports from annual reports to biennial, and allow data rich or statistical reports to be posted directly on the web.

[AB 2880 \(Pavley\) Vehicle Registration Fees \(7/15/04\)](#)

This bill, sponsored by the author, will increase the maximum amount a local air district can collect via a surcharge on the local vehicle registration fees from \$4 to \$6 per vehicle. Funds collected are directed to reduce emissions from mobile sources.

[AB 2883 \(Diaz\) Santa Clara Valley Water District District \(7/13/04\)](#)

This bill, sponsored by the Santa Clara Valley Water District (SCVWD), would authorize the SCVWD to recover, either administratively or by a civil action brought by SCVWD, their costs that were incurred in investigating, monitoring, cleaning up, containing, or abating the effects of contamination or pollution using the authority granted SCVWD. This could only occur if that investigation, monitoring, cleanup, or abatement is undertaken pursuant to statute. The bill would also provide that nothing in this bill would impact the authority of the SWRCB or a RWQCB.

[AB 2884 \(Calderon\) California Regional Water Quality Control Boards: Pollution or Nuisance: Abatement \(7/12/04\)](#)

This bill, sponsored by the Santa Clara Valley Water District (SCVWD), would require a RWQCB, upon determining a condition of pollution exists that is a result of a nonoperating industrial or business located in its region, to do either of the following: (1) request a local agency to abate the polluted condition or nuisance; or (2) abate the condition. In this situation, the RWQCB may apply to the SWRCB for the necessary funds to abate the condition.

Additionally, the bill would make the owner of the property on which the condition exists liable in a civil action for all reasonable costs incurred by an abating entity in abating the condition.

[AB 2901 \(Pavley\) hazardous waste: cellular telephones: recycling \(7/8/04\)](#)

This bill, sponsored by Californians Against Waste, would require all cell phone retailers in California to have a system in place for the acceptance, collection, reuse, and recycling or proper disposal of used cell phones by July 1, 2006 and would make it unlawful to sell a cell phone in this State unless the retailer complies with the provisions set forth in the bill.

[AB 2955 \(McCarthy\) Underground storage tanks: report \(7/12/04\)](#)

This bill, sponsored by the California Independent Oil Marketers (CIOMA), would require the SWRCB and the ARB to jointly certify that enhanced vapor recovery systems that meet the ARB's requirements also meet the SWRCB's UST requirements. Further, the bill would create a new grant program to provide funding to certain small businesses that install USTs between July 1, 2004 and June 30, 2009. The grants would be used to test the UST after installation and to purchase equipment needed for long-term leak detection monitoring. The bill would require the SWRCB to make grant funds available to eligible grant applicants from the Petroleum Underground Storage Tank Financing Account, which would be reestablished in the State Treasury. The bill would make the creation of the account inoperative if and when AB 1068 of the 2003-04 Regular Session of the Legislature takes effect and creates the same fund. The author plans to amend the bill to make it an urgency statute. The amendments would transfer \$3.5 million from the USTCF to the Petroleum Underground Storage Tank Financing Account for the purpose of issuing grants to small business owners for equipment costs and tests associated with UST testing requirements that took effect on July 1, 2004.

[SB 50 \(Sher\) Solid waste: hazardous electronic waste \(6/21/04\)](#)

This bill, sponsored by the author, would make technical and cleanup amendments to the Electronic Waste Recycling Act of 2003 (last year's SB 20), including: 1) allowing the California Integrated Waste Management Board (CIWMB) to reduce or eliminate the advanced recycling fee on a device if the manufacturer demonstrates to the satisfaction of DTSC that the device does not contain any toxic materials; and 2) authorizing DTSC to specify a minimum threshold for certain hazardous constituents the presence of which in a covered electronic device must be reported by the manufacture to the CIWMB.

[SB 391 \(Florez\) Pesticide drift exposure \(7/23/04\)](#)

This bill, sponsored by the California Rural Legal Assistance Foundation, would require DPR to use civil penalties collected from violators of pesticide statutes to establish, in conjunction with the Department of Health Services (DHS), a program to reimburse health-care providers for the cost of treating illnesses related to pesticide drift. DPR and specified local entities could also recover actual medical costs from parties responsible for pesticide drift incidents. DPR would also have to levy a surcharge of up to 2 mills on the existing pesticide mill assessment. Revenues would be used to fund the bill's activities, which also include mandates for OEHHA

to train physicians and county responders on the recognition and treatment of illnesses caused by pesticide drift; for DPR, OEHHA and DHS to jointly develop informational literature for health care personnel and the public on treating pesticide-related illnesses; and for Cal/EPA, with the assistance of DPR, OEHHA and other specified entities, to develop protocols for pesticide emergency-response procedures and for maintaining a registry of pesticide applications.

[SB 493 \(Cedillo\) Hazardous materials: liability \(6/29/04\)](#)

This bill, no sponsor, proposes intent language regarding the importance of remediating and subsequently redeveloping brownfields and would transfer \$25 million of DTSC's "environmental fees" to DTSC's CLEAN Loan Program for the purposes of remediating more brownfields.

[SB 512 \(Figueroa\) Marine resources: Pacific Fishery Management Council: Marine managed areas: state water quality protection areas. \(6/24/04\)](#)

This bill, sponsored by the Natural Resources Defense Council and the Ocean Conservancy, would require the Governor to include marine scientists and representatives of nongovernmental environmental organizations among his appointments to the Pacific Fishery Management Council, and would remove a perceived conflict between water quality protection provisions of the Marine Managed Areas Improvement Act and the Porter-Cologne Water Quality Control Act.

[SB 559 \(Ortiz\), Hazardous substances: brownfield response unit \(7/8/04\)](#)

This bill, sponsored by the Sacramento Redevelopment Agency, would establish a new pilot program within CalEPA for 30 brownfields remediation projects where the project applicant is a local governmental agency. As amended, the bill would also address public scoping meetings for such projects.

[SB 568 \(Sher\) Environmental Protection: external scientific peer reviewers \(5/7/03\)](#)

This bill, sponsored by the author, would specifically prohibit anyone from performing an external scientific peer review of the scientific basis of a proposed Cal/EPA regulation if that person has or had a financial interest related to the subject matter of the review.

[SB 706 \(Florez\) Mexican Trucks \(not yet in print\)](#)

This bill will be gutted and amended to require the ARB to adopt regulations to ensure, as permissible under federal law, that heavy-duty vehicles entering California from Mexico meet California emission standards. It further requires the ARB to concentrate enforcement efforts in the California/Mexico border region, and to determine and report to the Legislature the fleet average emissions of heavy-duty vehicles entering the State from Mexico.

[SB 1097 \(Senate Committee on Budget and Fiscal Review\) General Government Budget Trailer Bill \(7/27/04\)](#)

This bill would, among other things, transfer funds remaining in the Petroleum Underground Storage Financing Account on January 1, 2004, and subsequent loan repayments issued under the Replacement of Underground Storage Tank (RUST) program, to the General Fund.

[SB 1155 \(Machado\) Water quality standards: Sacramento-San Joaquin Delta \(6/29/04\)](#)

This bill, sponsored by the author, would require the Department of Water Resources to prepare a plan to meet existing permit and license conditions for which the department has an obligation.

[SB 1180 \(Figueroa\) Mercury Lamp Recycling \(6/29/04\)](#)

This bill, sponsored by the Sierra Club and Californians Against Waste, would enact the California Mercury Containing Lamp Recycling Act of 2004 and would require a manufacturer or distributor who sells mercury containing lamps in the State to pay a mercury containing lamp recycling fee to DTSC. Revenues would go to DTSC and be expended by DTSC and IWMB for specified purposes. The bill would also require manufacturers to meet specified labeling requirements for all lamps sold in California. Provisions of the bill would sunset on January 1, 2010. The bill has a five-year sunset clause

[SB 1247 \(Soto\) Air Pollution: Reduction of Mobile Source Impacts \(6/1/04\)](#)

This bill, sponsored by the South Coast Air Quality Management District, would establish the Large Emission Reduction Program. The funds generated from this bill would be used for various incentive programs such as the Carl Moyer Program, the Lower-Emission School Bus Program, and a vehicle scrap program. This bill does not yet identify a funding source. An urgency clause has been added to the bill. An urgency clause has been added to the bill.

[SB 1318 \(Burton and Alpert\) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 \(6/16/04\)](#)

This bill, sponsored by the authors, would require the Secretary of State to submit to the voters for approval two revisions to the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50). The provisions would affect the SWRCB, the State Coastal Conservancy, and the Wildlife Conservation Board. The bill would become operative only if SB 1319 (Burton and Alpert), which would create the California Ocean Protection Act, becomes effective on or before January 1, 2005.

[SB 1319 \(Burton and Alpert\) Natural resources: ocean protection \(6/16/04\)](#)

This bill, sponsored by the authors, would create the California Ocean Protection Act and establish the Ocean Protection Council. The Secretary for Resources, Secretary for Cal/EPA, and the Chair of the State Lands Commission would sit on the Council, along with three members of the Assembly, and three members of the Senate. The Council would coordinate the activities of all State agencies responsible for protecting ocean waters and ocean ecosystems and recommend changes to law to achieve those protections.

[SB 1397 \(Escutia\) Locomotives: South Coast Air District \(7/27/04\)](#)

This bill, sponsored by the South Coast Air Quality Management District (SCAQMD), would establish authority for the SCAQMD to regulate the emissions of air contaminants contributed to the South Coast Air Basin by locomotives and other specified vehicles operating at rail yards. It would establish a SCAQMD program to control and mitigate the emissions from locomotives. It would allow a mitigation fee on locomotive emissions as one means of control.

[SB 1446 \(Escutia\) Environmental health data tracking \(5/12/04\)](#)

This bill, sponsored by the author, would require the Department of Health Services (DHS) and Cal/EPA to establish the Interagency Office of Environmental Health Tracking within DHS. This new entity would coordinate environmental and health data-collection activities among several agencies, and implement the recommendations of a recent working group for the start-up of an environmental health tracking program that collect data that could be used to study links between environmental contaminants and chronic diseases. OEHHA would assist the new office in obtaining chemical information needed to analyze the health and environmental effects of contaminants. Staffing of the new office would be limited to 0.5 PY from OEHHA and 0.5 PY from DHS.

[SB 1479 \(Sher\) California Regional Water Quality Control Boards: membership \(4/16/04\)](#)

This bill, sponsored by the author, would reduce Regional Board membership from nine members to seven and alter the membership requirements.

[SB 1652 \(Murray\) Residential Solar Energy Systems \(6/29/04\)](#)

This bill would require, on and after January 1, 2006, at least 15% of all single-family residences, constructed as part of a development of at least 25 homes that is intended or offered for sale, to be constructed with a solar photovoltaic energy system for each unit. The bill would require that percentage to increase by 10% each year until January 1, 2010.

[SB 1729 \(Chesbro\) Plastic Containers: Recycling \(7/7/04\)](#)

This bill, sponsored by the author, would make changes to the Rigid Plastic Packaging Container (RPPC) Law, administered by the IWMB, which requires every RPPC sold or offered for sale in California to meet one of several criteria, including options for relying on statewide annual recycling rates published by the IWMB. This bill would delete the statewide recycling rates as compliance options, as well as the requirement that the IWMB publish statewide annual recycling rates.

[SB 1749 \(Karnette\) Plastic Bags: Labeling \(6/30/04\)](#)

This bill, sponsored by the author, would establish a biodegradable and compostable plastic bag program at the IWMB.

[SB 1856 \(Bowen\) Prescribed Burning Activities \(5/5/04\)](#)

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This bill, sponsored by the author, would reconcile differences in the definitions for agricultural and prescribed burning in the Health and Safety Code and Public Resources Code. It would add "Air Quality Maintenance" as an objective for conducting prescribed burning.

[SB 1901 \(Florez\) Safety in employment: grape tasting \(6/23/04\)](#)

This bill would establish the "Table Grape Worker Safety Act of 2004". The Act would prohibit employers from requiring harvesting employees to taste or consume unwashed grapes in the field or prior to processing, except under conditions specified; permit only supervisory employees to taste grapes in the field or prior to processing, and only under conditions specified; and establish specified civil penalties for employers who violate the bill's provisions.